(1)

Supreme Court, U.S.
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No. 03

IN THE

Supreme Court of the United States

BRUCE F. BOWMAN, Petitioner,	)	Supreme Court of Illinois
v.	)	No. M. R. 18666
ILLINOIS ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION MARY ROBINSON, ADMINISTRATOR, Respondent.	)	Commission No. 01 IA 2001

On Petition For Writ Of Certiorari
To The Supreme Court Of Illinois

PETITION FOR WRIT OF CERTIORARI

BRUCE F. BOWMAN, 0264881
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ORAL ARGUMENT REQUESTED

38 pp

I.

QUESTIONS PRESENTED FOR REVIEW

1. Is Illinois Supreme Court Rule 758 and Illinois Attorney Registration and Disciplinary Commission Rule 758, Mental Disability or Addiction to Drugs or Intoxicants, vague and unconstitutional ?

RULE 758 Mental Disability or Addiction to Drugs or Intoxicants.

(a) Petition. If the Inquiry Board has reason to believe that an attorney admitted to practice in this State is incapacitated from continuing to practice law by reason of mental infirmity, mental disorder, or addiction to drugs or intoxicants, the Administrator shall file a petition with the Hearing Board requesting a hearing to determine whether the attorney is incapacitated and should be transferred to disability inactive status pending the removal of the disability, or be permitted to continue to practice law subject to conditions imposed by the court.

2. Is Illinois Rule 758 void for vagueness because it either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at it meaning and application?

3. Does the Petition filed by Administrator MARY ROBINSON against attorney BRUCE F. BOWMAN fail to allege:
   (1) A Rule for Violation as, "thou shall not solicit clients...", or
   (2) Facts showing violation of a Rule for Violation misconduct, or
   (3) Proximate cause,

   and therefore fail to sufficiently allege a claim or cause of action?
4. Are attorney BRUCE F. BOWMAN'S beliefs, and belief there is evidence:
   (1) Telephone calls are sometimes stolen,
   (2) There are voices over the airwaves,
   (3) Satellites are focused on and/or used on United States Citizens,

   beliefs protected by Freedom of Speech?
5. Was the order for Mental Examination of attorney BRUCE F. BOWMAN entered 5-11-2001, and held, and then stamped filed 6-29-2001, the day attorney BRUCE F. BOWMAN filed a Reply Brief in the Appellate Court for Defendant ROBERT J. SHARPENTER? If yes, by whom and for what reason?
6. When a Petition for Mental Examination fails to allege proximate cause, and/or there is no evidence of proximate cause, are the petition and evidence sufficient?

7. When Illinois Rule 253 provides a list of witnesses shall be filed within 28 days disclosing ... any and all persons who have knowledge of the facts ... , and

> ". . . The Hearing Board shall not allow the Administrator, or the attorney-respondent to offer the testimony of any person the identity and location of whom the Administrator or attorney-respondent failed to disclose pursuant to this rule.", and

attorney BRUCE F. BOWMAN was served 5-14-2001, and the ARDC Administrator MARY ROBINSON and her attorney CHRISTINE P. ANDERSON did not file their list of witnesses until 9-12-2001, should the Hearing Board have barred the testimony of the Administrator's witnesses?

8. When Illinois Rule 260, January 2001 Rules of the Supreme Court of Illinois, served upon attorney BRUCE F. BOWMAN 5-14-2001 provides:

(a) Initial Prehearing Conference

> "A prehearing conference shall be held at the offices of the Attorney Registration and Disciplinary Commission in every case filed before the Hearing Board. ..." and
>
> "...The respondent ... shall personally attend the prehearing conference. ..."

and attorney BRUCE F. BOWMAN was subjected to telephone interrogation four times, 6-25-2001 and 7-9-2001,

and 9-10-2001, and 10-17-2001, and objected each day, and was not able to see the faces of the persons asking questions, and not able to see the faces of the people listening to the telephone interrogation, and filed gray book Rule 260 on 7-23-2001, later 1-28-2002 Respondent Exhibit 15, and there was no initial prehearing conference at the ARDC office, with the respondent attorney BRUCE F. BOWMAN present, did Administrator MARY ROBINSON, and her attorneys, including CHRISTINE P. ANDERSON and JULIA MARK, and JOHN M. STEED III, Chair, knowingly violate Rule 260,and knowingly violate the rights of attorney BRUCE F. BOWMAN ?

9. When Illinois Rule 276 provides in part:

"Each party must appear at hearing with all documentary exhibits ..."

and at the 1-28-2002 Hearing Board Hearing, Petitioner and Administrator MARY ROBINSON failed to appear and testify, and her attorney CHRISTINE P. ANDERSON did not testify and possibly objected to testifying, and LEONARD WOJTECKI, the person that wrote the letter, was not present and failed to testify, was Illinois published ARDC Rule 276 violated ?

10. Should the testimony of DR. S. DALE. LOOMIS have been barred by one or more of the following:

(1) Failure to be included on a list of Administrator MARY ROBINSON'S witnesses filed within 28 days.

(2) BRUCE F. BOWMAN'S 1-17-2001 Motion.
ARDC RoA 1021-1026

(3) Dr. S. DALE LOOMIS is not licensed to practice law.

(4) Dolan v. Galluzzo, 77 Ill 2d 279, 285, 396 N.E. 2d 13 (1979), a good case concerning a physician attempting to testify against the work of another physician states at page 285,

> "We therefore hold that in order to testify as an expert on the standard of care in a given school of medicine the witness must be licensed therein. Once the fact of license is established, it lies within the sound discretion of the trial court to determine if the witness is qualified to testify as an expert regarding the standard of care."

11. Was the testimony of Dr. S. DALE LOOMIS insufficient when at the 1-28-2002 hearing Dr. S. DALE LOOMIS, either

(1) Did not recognize a Motion to Dismiss the proceeding at which he was testifying, and/or

(2) Did not recognize Illinois Appellate Court decisions, both published and Rule 23, and/or

(3) The Hearing Board Report states at page 5,

> "Dr. Loomis is not a licensed attorney. He reviewed legal material supplied Respondent, but did not read in great detail or determine its merits. Dr. Loomis did not

draw a specific conclusion regarding Respondent's ability to practice law. (Tr. 50-53, 61-66, Resp. Exs 5-8)". RoA C001667, A6, US 16.

(4) ADMINISTRATOR'S ANSWER TO RESPONDENT'S PETITION FOR LEAVE TO FILE EXCEPTIONS states at page 8,

> "Because it was difficult to get information from Respondent, Dr. Loomis had three appointments with him rather than the single appointment he usually has ""for an ARDC consultation"" R 107.

And previously states at page 7:

> "Dr. Loomis met with respondents on three occasions, for an hour or an hour and a half each time. R.99 Respondent also completed a self administered psychological test, the Minnesota Multiphasic Personality Inventory, R.99".

(5) The MMPI-2 test, or Minnesota Multiphasic Personality Inventory test is insufficient and not relevant, because it is a true or false test with questions like:

"I believe I am being followed."

"I enjoy detective or mystery stories."

1-28-2003 Hearing Respondent Exhibit 7, A 360-411.

12. When there is no allegation against attorney BRUCE F. BOWMAN of either criminal violation, or a violation of a rule for violation misconduct, and when the published cases cited by

Administrator MARY ROBINSON, and some Hearing Board cases, and some Review Board cases, involve either criminal violation and/or violation of rules for violation misconduct, are the cited cases relevant, or material, or insufficient.

13. Were all the 1-28-2002 Hearing Board Members licensed to practice law ? Motion 12-28-2001, RoA 1009-1012. How much time did the Hearing Board Members spend writing the 7-18-2002 Hearing Board Report? RoA 1021-1026. Did the 1-10-2003 Review Board members write the 1-29-2003 Review Board Report knowing a Hearing Board Member might not be a lawyer? ARDC Rule 753 (c).
14. Is there statistical evidence of discrimination when the year 2000 Illinois ARDC Annual Report shows 73,661 Registered Attorneys in Illinois, and 2 Rule 758 new cases filed, and year 2000 Rules 757 and 758 Petitions for transfer to inactive status due to mental disability or substance addiction allowed 2, denied 1, total 3. RoA 148-151, A61-64, RoA 446-447, A65-66.
15. What did Dr. S. DALE LOOMIS say that the Hearing Board thought was persuasive ? 1-28-2002 Hearing Board Report, RoA C 001674, A13, US 24.
16. Did the Supreme Court of Illinois make an independent examination of the <u>whole record</u> ?
17. Is there evidence of discrimination when Attorney BRUCE F. BOWMAN has already filed one Petition for Writ of Certiorari, and one Petition for Rehearing in the year 2003, in the Supreme

Court of the United States, in the case PEOPLE OF THE STATE OF ILLINOIS v. ROBERT J. SHARPENTER, No. 02-1455 ?

(viii)

II.

LIST OF ALL PARTIES TO THE PROCEEDING

SUPREME COURT OF THE UNITED STATES PROCEEDING

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Petitioner-Appellant
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ILLINOIS ATTORNEY REGISTRATION
AND DISCIPLINARY COMMISSION
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Respondent-Appellee
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III.

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9. ARGUMENT AMPLIFYING REASONS FOR WRIT 9-24

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III.

TABLE OF CITED AUTHORITIES

1. Gentile v. State Bar of Nevada,
   501 U.S. 1030, 111 S. Ct. 2720, 115 L.Ed. 2d 888 (1991)
2. In re Edna Smith Primus,
   436 U.S. 412, 98 S. Ct. 1893, 56 L.Ed. 2d 417 (1978)
3. Gray v. Plano, 141 Ill App 3d 575, 490 N.E. 2d 1020 (1986)
4. In Re Dawn Marie Roberts, 107 Ill App 3d 913, 918,
   438 N.E. 2d 658 (1982)
5. Dolan v. Galluzzo, 77 Ill 2d 279, 285, 396 N.E. 2d 13 (1979)
6. Via v. Taylor 222 F. Supp. 2d 753 (D.Del.2002)
7. Deborah Lemke v. Kenilworth Insurance Co. 109 Ill. 2d 350,
   487 N.E. 2d 943 (1985)
8. Illinois Supreme Court Rules, January 2001, ARDC Rules

   RULE 235 — Motions in Regard to Pleadings

   RULE 251 — Except as provided herein, discover practice shall be in accordance with the Code of Civil Procedure and the Rules of the Supreme Court.

   RULE 253 — File List of Witnesses within 28 days, of any and all persons who have knowledge of facts which are the subject of the proceeding The Hearing Board shall not allow the Administrator or the Attorney respondent to

offer the testimony or any person, the identity and location of whom the Administrator or the attorney-respondent failed to disclose pursuant to this rule.

RULE 260 Prehearing Conference at the office of the Attorney Registration and Disciplinary Commission with the Respondent present.

RULE 276 Exhibits. Each party must appear at hearing with all documentary exhibits....

RULE 753(b) The complaint shall reasonably inform the attorney of the acts of misconduct his alleged to have committed.

RULE 753(c) Hearing Board shall consist of members of the bar and non-lawyers.

RULE 758 Mental Disability or Addiction to Drugs or Intoxicants

RULE 760 Appointment of Medical Experts

9. Illinois Compiled Statutes, 735 ILCS 5/2-607 Bill of Particulars (a)

10. United States Constitution, First Amendment, Freedom of Speech

11. United States Constitution, Fourteenth Amendment Equal Protection of Law, Due Process of Law

V.

CITATIONS OF OFFICIAL AND UNOFFICIAL REPORTS OF THE OPINIONS AND ORDERS ENTERED IN THE CASE BY COURTS

ILLINOIS SUPREME COURT
BRUCE F. BOWMAN RESPONDENT

In the Matter of:

BRUCE F. BOWMAN, Attorney-Respondent-Appellant

Supreme Court of Illinois No. M. R. 18666

6-11-2003 Motion for Rehearing, Denied 7-7-2003

2-21-2003 Petition for Leave to File Exceptions, Rule 758, Mental Infirmity or Mental Disorder, Denied 5-22-2003

Attorney Registration and Disciplinary Commission

No. 01 IA 2001

1-28-2001	Hearing Board Hearing Transcript
7-18-2002	Hearing Board Report Filed
1-10-2003	Review Board Oral Arguments and Transcript
1-29-2003	Review Board Report Filed

VI.

CONCISE STATEMENT FOR UNITED STATES SUPREME COURT JURISDICTION

(a). Dates Judgment Orders Entered

Illinois Supreme Court No. M.R. 18666

7-7-2003	6-11-2003 Motion for Rehearing, Denied, US 1
5-22-2003	2-21-2003 Petition for Leave to File Exceptions Rule 758, Mental Infirmity or Mental Disorder Denied by Supreme Court of Illinois, US 2

Attorney Registration Disciplinary Commission

No. 01 IA 2001

1-28-2002	Hearing Board Hearing and Transcript
7-18-2002	Hearing Board Report Filed, US 5-9
1-10-2003	Review Board Oral Arguments and Transcript
1-29-2003	Review Board Report Filed, US 11-31

The Petition for Writ of Certiorari is mailed United States Postal Service Priority Mail and filed within 90 days of 7-7-2003 Denial of Review by the Illinois Supreme Court.

(b) Statutory Provision Believed to Confer Jurisdiction to Review on a Writ of Certiorari, the judgment order in question,

United States Supreme Court Rule 10.

PART III JURISDICTION ON WRIT OF CERTIORARI

Rule 10 (c) a state court has decided an important question of federal law that has not been, but should be settled by this Court and/or a state court has decided an important question in a way that conflicts with relevant decisions of this Court, including: Gentile v. State Bar of Nevada, 501 U.S. 1030, 111 S. Ct. 2720, 115 L. Ed. 2d 888 (1991), and In re Edna Smith Primus, 436 U.S. 412, 98 S. Ct. 1893, 56 L. Ed. 2d 417 (1978)

VII.

CONSTITUTIONAL PROVISIONS, STATUTES INVOLVED

1. January 2001 — ILLINOIS SUPREME COURT RULE AND ILLINOIS ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION RULE

RULE 235	Motions in Regard to Pleadings
RULE 251	Except as provided herein, discover practice shall be in accordance with the Code of Civil Procedure and the Rules of the Supreme Court.
RULE 253	File List of Witnesses within 28 days, of any and all persons who have knowledge of facts which are the subject of the proceeding The Hearing Board shall not allow the Administrator or the Attorney respondent to offer the testimony or any person, the identity and location of whom the Administrator or the attorney-respondent failed to disclose pursuant to this rule.
RULE 260	Prehearing Conference at the office of the Attorney Registration and Disciplinary Commission with the Respondent present.
RULE 276	Exhibits. Each party must appear at hearing with all documentary exhibits....
RULE 753(b)	The complaint shall reasonably inform the attorney of the acts of misconduct his alleged to have committed.

RULE 753(c) Hearing Board shall consist of members of the bar and non-lawyers.

RULE 758 Mental Disability or Addiction to Drugs or Intoxicants

RULE 760 Appointment of Medical Experts

2. UNITED STATES CONSTITUTION,
FIRST AMENDMENT
Freedom of Speech

UNITED STATES CONSTITUTION
SIXTH AMENDMENT
Right to Counsel

UNITED STATES CONSTITUTION
FOURTEENTH AMENDMENT
Section 1. Equal protection of the law, Due process of law

3. ILLINOIS COMPILED STATUTES 735 ILCS 5/2-607

Bill of Particulars (a)

VIII.

STATEMENT OF THE CASE INCLUDING FACTS

Attorney-Respondent-Appellant BRUCE F. BOWMAN believes and believes there is evidence:

(1) Telephone calls are sometimes stolen, meaning diverted to other locations,

(2) There are voices over the airwaves,

(3) Satellites are focused on and/or used on United States Citizens.

In 1984 and 1985 BRUCE F. BOWMAN represented Plaintiff DEBORAH LEMKE in the 1985 Illinois Supreme Court case Lemke v. Kenilworth Insurance Company, 109 Ill 2d 350, 487 N.E. 2d 943 (1985).

In 2000, 2001, 2002, 2003, BRUCE F. BOWMAN represented defendant ROBERT J. SHARPENTER in Yorkville, Kendall County, Illinois, and in the Illinois Appellate Court, and in the Illinois Supreme Court, and continued to represent ROBERT J. SHARPENTER in the Supreme Court of the United States, 02-1455.

In 2001, Illinois Attorney Registration and Disciplinary Commission Administrator MARY ROBINSON, filed a RULE 758 Petition alleging Mental Infirmity or Mental Disorder, and requesting a hearing to determine if BRUCE F. BOWMAN is incapacitated and should be transferred to disability inactive status. In 2001

Administrator MARY ROBINSON also filed a RULE 760 Motion for Mental Examination of BRUCE F. BOWMAN.

An Order for Mental Examination was entered 5-11-2001 and apparently held and stamped filed 6-29-2001, the day BRUCE F. BOWMAN filed a Reply Brief in the Appellate Court for Defendant ROBERT J. SHARPENTER.

Administrator MARY ROBINSON'S RULE 758 Petition fails to allege a Rule for Violation, as "thou shall not solicit clients...", and fails to allege facts showing violation of a rule for violation misconduct, and fails to allege proximate cause.

Illinois Attorney Registration and Disciplinary Commission Administrator MARY ROBINSON failed to allege BRUCE F. BOWMAN violated a Rule for Violation.

BRUCE F. BOWMAN has alleged Administrator MARY ROBINSON and her attorneys violated Illinois Supreme Court and Illinois Attorney Registrations and Disciplinary Commission Rules, including 253 Disclosure of Witnesses, 260 Initial Prehearing Conference, and 276 Appear at the Hearing and Testify.

BRUCE F. BOWMAN also alleges there is statistical evidence of discrimination in the year 2000 ARDC Annual Report.
RoA 148-151, A61-64; RoA 446-447, A65-66.

BRUCE F. BOWMAN was possibly denied right to counsel.

Unidentified suspects from unidentified locations telephoned AMERITECH 11-29-2001, and 12-3-2001, and 12-4-2001 to disconnect and/or put on vacation service BRUCE F. BOWMAN'S

Aurora, Illinois telephone number (630) 844-1741, and then BRUCE F. BOWMAN'S Aurora, Illinois, telephone number (630) 844-1741 was 12-6-2001 disconnected and/or put on vacation service. BRUCE F. BOWMAN is not delusional or paranoid. A529-532

In this Petition for Writ of Certiorari, BRUCE F. BOWMAN has cited court cases in which BRUCE F. BOWMAN was an attorney, Gray v. Plano, supra an insufficient complaint case, and In re Dawn Marie Roberts 107 Ill. App. 3d 913, 918, 438 N.E. 2d 658, 661 (1982), a case that refers to evidence of, and proof of proximate cause, and Deborah Lemke v. Kenilworth Insurance Co., 109 Ill 2d 350, 487 N. E. 2d 943 (1985).

The cases cited by ARDC Administrator MARY ROBINSON and her attorneys, and some Hearing Board cases, and some Review Board cases involve criminal conduct and/or violation of a rule for violation misconduct and are not relevant and/or not material.

BRUCE F. BOWMAN has cited two United States Supreme Court cases that are relevant Gentile v. State Bar of Nevada, supra and In re Edna Smith Primus, supra, and In re Edna Smith Primus was raised as a defense in a 12-28-2001 filing, prior to the 1-28-2002 Hearing Board Hearing, ARDC RoA 966-1008.

This year 2003, BRUCE F. BOWMAN has already filed one Petition for Writ of Certiorari and one Petition for Rehearing in the Supreme Court of the United States, in the case People of the State of Illinois v. Robert J. Sharpenter No. 02-1455.

VIII.

ARGUMENT

AMPLIFYING REASONS FOR WRIT

I am BRUCE F. BOWMAN.

In this Petition for Writ of Certiorari I cited and am using cases in which I was an attorney,

(1) Gray v. Plano , 141 Ill App 3d 575, 490 N.E. 2d 1020 (1986), is a case involving the sufficiency of a complaint. The ARDC Petition filed against BRUCE F. BOWMAN failes to allege a "thou shall not" rule for violation, and fails to allege violation of a rule for violation, and fails to allege proximate cause, and fails to reasonably inform the Petitioner, and is vague. RoA 428-448 at 437, A246-266 at 255.

(2) In re Dawn Marie Roberts , 107 Ill App 3d 913, 918, 438 N.E. 2d 658 (1982), a case involving proximate cause. The trial court found no proximate cause and the Illinois Appellate Court stated at page 918:

> "The trial judge found that no evidence had been adduced of any use of marijuana that impaired the mother's care of the child..."

Although the grandmother made statements concerning the use of marijuana, there was no proximate cause, no

evidence of the use of marijuana, that impaired the mother's care of the child.

In this ARDC case against Bruce F. Bowman the ARDC failed to allege or attempt to prove proximate cause.

You might wonder if I ever did oral argument.

BRUCE F. BOWMAN did oral argument in the Illinois Supreme Court in the case Lemke v. Kenilworth Insurance Company, 109 Ill 2d 350, 487 N.E. 2d 943 (1985).

In this Illinois Attorney Registration and Disciplinary Commission matter Administrator MARY ROBINSON, and her attorneys including STEVEN R. SPLITT, ROSALYN B. KAPLAN, CHRISTINE P. ANDERSON, and JULIA MARK failed to allege violation of a rule for violation or prove anything against Attorney-Petitioner-Appellant BRUCE F. BOWMAN that is either:

(1) unethical

(2) insufficient

(3) materially improper

(4) incomplete.

The complaint does not reasonably inform the attorney of acts of misconduct he is alleged to have committed. Rule 753 (b).

1. ILLINOIS RULE 758 IS A PROCEDURAL RULE, FAILS TO PROVIDE FAIR NOTICE, IS VAGUE AND IMPRECISE,AND DISCRIMINATORY ENFORCEMENT IS A REAL POSSIBILITY.

Illinois Supreme Court Rule and Illinois Attorney Registration and Disciplinary Commission Rule 758 that is being used against BRUCE F. BOWMAN is a procedural rule that fails provide fair notice, and is vague and unconstitutional, and fails to allege a rule for violation, as "thou shall not solicit clients....".

Illinois RULE 758 states in part:

Mental Disability or Addiction to Drugs or Intoxicants.

(a) Petition. If the Inquiry Board has reason to believe that an attorney admitted to practice in the state is incapacitated from continuing to practice law by reason of mental infirmity, mental disorder, or addiction to drugs or intoxicants, the Administrator shall file a petition with the Hearing Board requesting a hearing to determine whether the attorney is incapacitated and should be transferred to disability inactive status pending the removal of the disability, or be permitted to continue to practice law subject to conditions imposed by the court.

A statute is void for vagueness if it either forbids or requires the doing of an act in terms so vague that men of common intelligence

must necessarily guess at its meaning, and differ as it is application. Via v. Taylor, 222 F. Supp. 2d 753 (D. Del. 2002).

BRUCE F. BOWMAN filed motions to dismiss the petition filed by Administrator MARY ROBINSON because, among other things the Petition is vague and/or insufficient, and fails to allege a rule for violation, and fails to allege violation of a rule for violation, and fails to allege proximate cause. Gray v. Plano, 141 Ill App 3d 575, 490 N.E. 2d 1020 (1986), RoA 428-448, A 246-266.

BRUCE F. BOWMAN filed a 6-4-2001 Notice and Demand for Bill of Particulars pursuant to 735 ILCS 5/2 607, RoA 26-32, A223-229, and ARDC Attorney JULIA MARK sent BRUCE F. BOWMAN a letter and four basically not relevant cases. BRUCE F. BOWMAN filed a 7-17-2001 Petition for Reconsideration, RoA 104-106, A 243-245. BRUCE F. BOWMAN also filed Motions concerning the insufficiency of the ARDC Petition and ARDC Motion for Mental Examination, and to vacate the Motion for Mental Examination. RoA 428-448, A 246-266. BRUCE F. BOWMAN'S Motion to Dismiss and Vacate were denied by the Hearing Board and denied by the Illinois Supreme Court.

BRUCE F. BOWMAN has cited the United States Supreme Court void for vagueness case Gentile v. State Bar of Nevada, 501 U.S. 1030, 115 L. Ed, 2d 888, 111 S. Ct. 2720 (1991), a case involving Nevada Supreme Court Rule 177, prohibiting a lawyer from making extra judicial statements to the press, and that is a "thou shall not talk to the news media" rule for violation.

Prohibition against vague regulations of speech is based in part on need to eliminate impermissible risk of discriminatory enforcement U.S.C.A. Const. Amend. 1.

GENTILE also argued that Rule 177 is void for vagueness because it did not provide adequate notice that his comments were subject to discipline.

Illinois Rule 758 does not provide adequate notice of what actions, comments, or speech are subject to discipline, and Illinois Rule 758 is a procedural rule, and it possibly affects people not before the Illinois ARDC, because it fails to allege a rule for violation.

The United States Supreme Court said in Gentile v. Nevada, supra, at 111 S. Ct. 2720 page 2722, by Justice KENNEDY:

> "Given the Rule's grammatical structure and the absence of a clarifying interpretation by the state court, the Rule fails to provide fair notice to those to whom it is directed and is so imprecise that discriminatory enforcement is a real possibility."

Gentile v. Nevada, supra, continues at page 2729

> "Petitioner (GENTILE) was disciplined for statements to the effect that (1) the evidence demonstrates his client's innocence, (2) the likely thief was a police detective...and (3) the other victims were not credible, as most were drug dealers or convicted money launderers..."

2724 continued on 2725

> ... " " (t)he press...guards against the miscarriage of justice by subjecting the police, prosecutors, and judicial processes to extensive public scrutiny and criticism.""...

At page 2734 the Gentile v. State Bar of Nevada, supra refers to another United States Supreme Court Freedom of Speech case, In re Primus, 436 US 412, 98 S.Ct. 1893, 56 L. Ed. 2d 471 (1978) and states:

> "At the very least, our cases recognize that disciplinary rules governing the legal profession cannot punish activity protected by the First Amendment, and that First Amendment protection survives even when the attorney violates a disciplinary rule he swore to obey when admitted to the practice of law."

BRUCE F. BOWMAN'S cited In re Primus, supra before the Hearing Board Hearing, in a filing 12-28-2001. RoA 966-1008.

BRUCE F. BOWMAN'S beliefs are protected by Freedom of Speech, Gentile v. Nevada, supra, and In Re Edna Smith Primus, supra, and United States Constitution First Amendment and Fourteenth Amendment, U.S.C.A. Const. Amendments 1, 14.

I believe I made a good Hearing Board transcript, and at the 1-28-2002 Hearing Board Hearing, during opening statement, at transcript pages 19-23, I said, several times, I believe I am strong on

the law, and referred to the case In Re Edna Smith Primus, supra and Dolan v. Galluzzo, supra, and Illinois Rule 253, and Illinois Rule 260. TRANSCRIPT 1-28-2002 (R. 1-28-2002, R 19-23)

GENTILE v. NEVADA, 111 S.Ct. 2720 states at page 2726,

> " " "We have held that "in cases raising First Amendment issues . . . an appellate court has an obligation to "make an independent examination of the whole record" in order to make sure that" the judgment does not constitute a forbidden intrusion on the field of free expression."" "

2. 2-21-2003 PETITION FOR LEAVE TO FILE EXCEPTIONS

The 2-21-2003 Petition for Leave to File Exceptions is not in the Supreme Court of the United States Supplemental Appendix. The subsequent 6-11-2003 Petition for Rehearing is a separate document and included in the Supreme Court of the United States Supplemental Appendix. US 32-56. The 6-11-2003 Petition for Rehearing refers to some points in the larger, prior 2-21-2003 document pages.

1. The cases cited in the 1-29-2003 Review Board Report involve criminal conduct and/or violation of a rule for violation, and are not relevant, and not material, 2-21-2003 document pages 1-4.

2. The 6 published cases cited by ARDC Administrator MARY ROBINSON in 11-25-2002 Brief involve criminal conduct and/or violation of rules for violation, and are not relevant and not material. 2-21-2003 document pages 4-6

3. The law applicable to this case is In re Edna Smith Primus, supra, 2-21-2003 document page 7.

4. Dolan v. Galluzzo, supra is a good case concerning a physician testifying against someone's work. 2-21-2003 document pages 7-8.

5. ARDC Administrator MARY ROBINSON failed to disclose witnesses within 28 days in violation of Illinois Rule 253, 2-21-2003 document page 8.

6. ARDC Administrator MARY ROBINSON possibly failed to disclose ". . . the names . . . of any and all persons who have knowledge of the facts which are the subject of the proceeding." In violation of Illinois Rule 253, 2-21-2001 document page 8

7. The Hearing Board should not have allowed Dr. S. Dale Loomis to testify 2-21-2003 document page 8.

8. Failure to hold initial prehearing conference at the ARDC office with the respondent present is violation of Rule 260. 2-21-2003 document pages 8-9.

9. Violations of Civil rights Act, Title 42, Section 1983, U.S.C.A. and violation of Illinois Rule 260 Initial Prehearing Conference, 2-21-2003 document page 9, and document 2-21-2003 document pages 36, 37. RoA 263-364, A 273-275, and 12-4-2001 ANSWER, DEFENSES AND RULE 231 INFORMATION RoA 773-781, at 777-778, A213-221 at 217-218.

10. The Motion for Mental Examination, and Petition to Determine whether BRUCE F. BOWMAN is incapacitated from practicing law fails to (1) Allege a Rule for Violation, (2) Allege Violation of a Rule for Violation, (3) Consists of Conclusions and Opinions (4) Is vague, (5) Fails to allege proximate cause, (6) Should have been dismissed, see 7-17-2001 Motion Pursuant to Rule 235 to Strike and Dismiss Petition. 2-21-2003 document page 9-10, RoA 428-448, A246-266

11. Order for Mental Examination entered 5-11-2001 and stamped filed 6-29-2001 the day BRUCE F. BOWMAN filed a Reply

Brief in the Appellate Court for Defendant ROBERT J. SHARPENTER, 2-21-2003 document page 11, RoA 325-333, A 326-334, and PoA 500-506, A 335-342, RoA 675-676, A 342-343.

12. Dr. S. Dale Loomis Testimony not supported by facts and not sufficient to determine BRUCE F. BOWMAN'S ability to practice law. 2-21-2003 document page 10.

13. BRUCE F. BOWMAN was possibly denied right to counsel. 2-21-2003 document page 10.

14. 1-28-2002 Hearing Board Hearing is evidence of BRUCE F. BOWMAN'S ability to practice law 2-21-2003 document page 10-11.

15. The Review Board 9-13-2002 Brief and Argument, and Supplemental Appendix, is evidence of the ability of BRUCE F. BOWMAN to practice law. 2-21-2003 document page 11

16. The Review Board 12-6-2002 Reply Brief and Argument is evidence of the ability of BRUCE F. BOWMAN to practice law. 2-21-2003 document page 11.

17. The 1-10-2003 Review Board Oral Arguments is evidence of the ability of BRUCE F. BOWMAN to practice law. 2-21-2003 documentpages 11-18.

The 2-21-2003 PETITION FOR LEAVE TO FILE EXCEPTIONS to the 1-29-2003 Review Board Report includes, Section V. ARGUMENT concerning the testimony of Dr. S. DALE LOOMIS, beginning at page 24 and continuing through page 31. 2-21-2003 document pages 24-31.

The insufficiency of Dr. S. DALE LOOMIS 1-29-2002 Hearing Board testimony to determine BRUCE F. BOWMAN'S ability to practice law if amplified by Administrator MARY ROBINSON'S ANSWER TO PETITION FOR LEAVE TO FILE EXCEPTIONS that states at page 8:

> "Because it was difficult to get information from Respondent, Dr. Loomis had three appointments with him rather than the single appointment he usually has " "for an ARDC consultation"" R107."

and previously at page 7:

> "Dr. Loomis met with respondent on three occasions, for an hour and a half each time. R. 99 Respondent also completed a self administered psychological test, the Minnesota Multiphasic Personality Inventory, R. 99"

The MMPI-2 test, or Minnesota Multiphasic Personality Inventory test, is insufficient and not relevant, and a true or false test with questions like

> "I believe I am being followed."
>
> "I enjoy detective or mystery stories"

BRUCE F. BOWMAN completed, copied and mailed the MMPI-2 test, and preserved it as 1-28-2002 Hearing Respondent Exhibit 7, A360-A411.

The Hearing Board should not have allowed Dr. S. DALE LOOMIS to testify. Dolan v. Galluzzo, supra.1-28-2002 Hearing Respondent Exhibit 7, A360-411, RoA 1021-1026.

3. 9-13-2002 APPENDIX TO 9-13-2002 BRIEF AND ARGUMENT OF BRUCE F. BOWMAN

The Illinois Supreme Court did not grant the Petition for Leave to File Exceptions to the 1-29-2003 Review Board Report, and possibly did not make an independent examination of the whole record in order to make sure that the judgment does not constitute an intrusion on the field of free expression, Gentile v. Nevada, supra.. Consider the 9-13-2002 APPENDIX to 9-13-2002, BRIEF AND ARGUMENT OF BRUCE F. BOWMAN, filed after the 7-18-2002 Hearing Board Report. That 9-13-2002 APPENDIX is in a 2 inch 3 ring binder, and has a 14 page index showing ARDC Record on Appeal page numbers and BRUCE F. BOWMAN 9-13-2002 Appendix page numbers, and those Appendix page numbers are A 1 through A 532.

The Illinois Supreme Court possibly overlooked evidence, included in the 9-13-2002 APPENDIX, including:

1. BFB 3-31-2001 ARDC Sworn Statement
   Pages 51, 52 Transcript RoA 208, 209, A 56, 57
2. ARDC Clerk's Index, Date, Filing, RoA page, A42-48
3. 6-25-2000 letter concerning articles Chicago Tribune, Chicago Sun Times, GENE SISKEL, TIM WEIGEL, 1-28-2002 Hearing Administrator Ex 26, A 487-489.

4. Unidentified suspects telephoned Ameritech to disconnect and/or put on vacation service BFB telephone number (630) 844-1741, A529, 532.
5. BFB 12-4-2001 Answer, Defenses, and Rule 231 Information, RoA 773-781, A213-221
6. Dr. S. DALE LOOMIS Cross Examination by BFB TRANSCRIPT 1-28-2002 (R. 1-28-2002, R50-72), RoA 114-136, A 153-174.
7. ROBERT J. SHARPENTER Direct Examination by BRUCE F. BOWMAN TRANSCRIPT 1-28-2002 (R. 1-28-2002, R. 133-147), RoA 197-211, A 197-211.

BRUCE F. BOWMAN received a tape of the 1-10-2003 Review Board Oral Arguments, had it transcribed, and attempted to file the 1-28-2003 transcript. The ARDC objected to the transcript being filed. Over ARDC objection, the 1-10-2003 transcript was filed.

BRUCE F. BOWMAN filed 8-16-2002 Request to Update Discovery, A502-513. The ARDC objected to updating discovery A514-517, BRUCE F. BOWMAN filed 8-21-2002 Response, A518-528. The Review Board denied the Motion to Update Discovery.

A Hearing Board member might have been a non-lawyer. Illinois Rule 753 (c). The Hearing Board members might not have

been qualified to judge psychiatric testimony, or the ability of BRUCE F. BOWMAN to practice law. Motion 12-28-2001 RoA 1009-1012.

The Hearing Board Report states:

> "Dr. Loomis is not a licensed attorney. He reviewed legal material supplied by Respondent, but did not read it in great detail or determine its merits. Dr. Loomis did not draw a specific conclusion regarding Respondent's ability to practice law. (Tr. 50-53, 61-66, Resp. Exs. 5-8)." Roa 1667, A6, US 16

Later the Hearing Board Report states:

> "The most persuasive evidence supporting Respondent's incapacity is the testimony of Dr. Loomis." RoA 1674, A13, US24.

What did Dr. S. DALE LOOMIS say that the Hearing Board thought was persuasive. Neither the Hearing Board Report, nor the Review Board Report are supported by criminal violation, or violation of a rule for violation, or facts or evidence showing incapacity from continuing to practice law.

Attorney-Respondent BRUCE F. BOWMAN has already filed one Petition for Writ of Certiorari, and one Petition for Rehearing this year, 2003, in the Supreme Court of the United States, in the case of People of the State of Illinois v. Robert J. Sharpenter, 02-1455.

The 1-18-2002 Hearing Board Report states, and is based on

""Respondent took the Minnesota Multiphase Personality Inventory (MMPI) test. The test requires an individual to answer a large number of true and false questions about themselves and the answers are sent to the Mayo Clinic for analysis. The results of Respondent's test showed he had extreme paranoid and delusional symptoms. One of the questions in the MMPI asked "I believe I am being followed." Respondent answer "true" to this question. Dr. Loomis admitted that neither he nor Mayo Clinic had any information regarding whether Respondent was actually being followed.""
Tr. 40-41, 58-60; Resp. Ex. 7). RoA 1665-1666, A4-5,

Both the Hearing Board and Review Board finding of mental disability and/or mental disorder as a result of the MMPI true or false test, with questions unrelated to practicing law or and/or work as a lawyer, is unreasonable, arbitrary and based on not relevant, not material, insufficient evidence.

There is statistical evidence of discrimination. ARDC Annual Report, year 2000, pages 8, 14, 15. RoA 148-151, A 61-64, RoA 446-447, A 65-66. Illinois Rule 758 is a procedural rule, fails to state a rule for violation, is vague, and unconstitutional.

The 1-29-2003 Review Board Report refers to Dr. S. DALE LOOMIS at page 3, and states:

"His testimony was confined to matters within his competence as a psychiatrist." US 7. Dr. S. DALE LOOMIS failed to testify that BRUCE F. BOWMAN violated a rule for violation, and failed to testify concerning proximate cause.

WHEREFORE, Attorney-Respondent-Appellant BRUCE F. BOWMAN asks for United States Supreme Court Writ of Certiorari:

(1) There is a conflict with prior court decisions, including Gentile v. Nevada, supra, and In re Primus, supra, and Dolan v. Gallu zzo, supra.

(2) United States Constitutional Amendment issues are involved, Amendment 1, Freedom of Speech, and Amendment 14, Equal Protection of the Law, Due Process.

(3) The complaint against BRUCE F. BOWMAN is not sufficient and fails to allege violation of a rule for violation and fails to allege proximate cause.

(4) For such other and further relief as equity may require.

Respectfully submitted,

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